



Sen. Jason A. Barickman

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09900SB2805sam001

LRB099 19731 HEP 46309 a

1 AMENDMENT TO SENATE BILL 2805

2 AMENDMENT NO. _____. Amend Senate Bill 2805 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Uniform Real Property Electronic Recording
5 Act is amended by changing Section 5 as follows:

6 (765 ILCS 33/5)

7 Sec. 5. Administration and standards.

8 (a) To adopt standards to implement this Act, there is
9 established, within the Office of the Secretary of State, the
10 Illinois Electronic Recording Commission consisting of 17 ~~15~~
11 commissioners as follows:

12 (1) The Secretary of State or the Secretary's designee
13 shall be a permanent commissioner.

14 (2) The Secretary of State shall appoint the following
15 additional 16 ~~14~~ commissioners:

16 (A) Three who are from the land title profession.

1 (B) Three who are from lending institutions.

2 (C) One who is an attorney.

3 (D) Seven who are county recorders, no more than 4
4 of whom are from one political party, representative of
5 counties of varying size, geography, population, and
6 resources.

7 (E) Two who are licensed real estate brokers or
8 managing brokers under the Real Estate License Act of
9 2000.

10 (3) On the effective date of this Act, the Secretary of
11 State or the Secretary's designee shall become the Acting
12 Chairperson of the Commission. The Secretary shall appoint
13 the initial commissioners within 60 days and hold the first
14 meeting of the Commission within 120 days, notifying
15 commissioners of the time and place of the first meeting
16 with at least 14 days' notice. At its first meeting the
17 Commission shall adopt, by a majority vote, such rules and
18 structure that it deems necessary to govern its operations,
19 including the title, responsibilities, and election of
20 officers. Once adopted, the rules and structure may be
21 altered or amended by the Commission by majority vote. Upon
22 the election of officers and adoption of rules or bylaws,
23 the duties of the Acting Chairperson shall cease.

24 (4) The Commission shall meet at least once every year
25 within the State of Illinois. The time and place of
26 meetings to be determined by the Chairperson and approved

1 by a majority of the Commission.

2 (5) Nine ~~Eight~~ commissioners shall constitute a
3 quorum.

4 (6) Commissioners shall receive no compensation for
5 their services but may be reimbursed for reasonable
6 expenses at current rates in effect at the Office of the
7 Secretary of State, directly related to their duties as
8 commissioners and participation at Commission meetings or
9 while on business or at meetings which have been authorized
10 by the Commission.

11 (7) Appointed commissioners shall serve terms of 3
12 years, which shall expire on December 1st. Five of the
13 initially appointed commissioners, including at least 2
14 county recorders, shall serve terms of one year, 5 of the
15 initially appointed commissioners, including at least 2
16 county recorders, shall serve terms of 2 years, and 4 of
17 the initially appointed commissioners shall serve terms of
18 3 years, to be determined by lot. Of the commissioners
19 appointed under subparagraph (E) of paragraph (2) of this
20 subsection, one of the initially appointed commissioners
21 shall serve a term of 2 years and one of the initially
22 appointed commissioners shall serve a term of 3 years, to
23 be determined by lot. The calculation of the terms in
24 office of the initially appointed commissioners shall
25 begin on the first December 1st after the commissioners
26 have served at least 6 months in office.

1 (8) The Chairperson shall declare a commissioner's
2 office vacant immediately after receipt of a written
3 resignation, death, a recorder commissioner no longer
4 holding the public office, or under other circumstances
5 specified within the rules adopted by the Commission, which
6 shall also by rule specify how and by what deadlines a
7 replacement is to be appointed.

8 (c) The Commission shall adopt and transmit to the
9 Secretary of State standards to implement this Act and shall be
10 the exclusive entity to set standards for counties to engage in
11 electronic recording in the State of Illinois.

12 (d) To keep the standards and practices of county recorders
13 in this State in harmony with the standards and practices of
14 recording offices in other jurisdictions that enact
15 substantially this Act and to keep the technology used by
16 county recorders in this State compatible with technology used
17 by recording offices in other jurisdictions that enact
18 substantially this Act, the Commission, so far as is consistent
19 with the purposes, policies, and provisions of this Act, in
20 adopting, amending, and repealing standards shall consider:

21 (1) standards and practices of other jurisdictions;

22 (2) the most recent standards promulgated by national
23 standard-setting bodies, such as the Property Records
24 Industry Association;

25 (3) the views of interested persons and governmental
26 officials and entities;

1 (4) the needs of counties of varying size, population,
2 and resources; and

3 (5) standards requiring adequate information security
4 protection to ensure that electronic documents are
5 accurate, authentic, adequately preserved, and resistant
6 to tampering.

7 (e) The Commission shall review the statutes related to
8 real property and the statutes related to recording real
9 property documents and shall recommend to the General Assembly
10 any changes in the statutes that the Commission deems necessary
11 or advisable.

12 (f) Funding. The Secretary of State may accept for the
13 Commission, for any of its purposes and functions, donations,
14 gifts, grants, and appropriations of money, equipment,
15 supplies, materials, and services from the federal government,
16 the State or any of its departments or agencies, a county or
17 municipality, or from any institution, person, firm, or
18 corporation. The Commission may authorize a fee payable by
19 counties engaged in electronic recording to fund its expenses.
20 Any fee shall be proportional based on county population or
21 number of documents recorded annually. On approval by a county
22 recorder of the form and amount, a county board may authorize
23 payment of any fee out of the special fund it has created to
24 fund document storage and electronic retrieval, as authorized
25 in Section 3-5018 of the Counties Code. Any funds received by
26 the Office of the Secretary of State for the Commission shall

1 be used entirely for expenses approved by and for the use of
2 the Commission.

3 (g) The Secretary of State shall provide administrative
4 support to the Commission, including the preparation of the
5 agenda and minutes for Commission meetings, distribution of
6 notices and proposed rules to commissioners, payment of bills
7 and reimbursement for expenses of commissioners.

8 (h) Standards and rules adopted by the Commission shall be
9 delivered to the Secretary of State. Within 60 days, the
10 Secretary shall either promulgate by rule the standards
11 adopted, amended, or repealed or return them to the Commission,
12 with findings, for changes. The Commission may override the
13 Secretary by a three-fifths vote, in which case the Secretary
14 shall publish the Commission's standards.

15 (Source: P.A. 95-472, eff. 8-27-07.)".